



PROPOSED RULE MAKING

CR-102 (June 2004)**(Implements RCW 34.05.320)**Do **NOT** use for expedited rule making**Agency:** Health Care Authority (HCA) – Public Employees' Benefits Board (PEBB) Administrative Order #06-01

- ☒ **Preproposal Statement of Inquiry was filed as WSR 06-02-092 ; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

Title of rule and other identifying information: (Describe Subject)

WAC 182-12-115 Eligible Employees

Hearing location(s):

Health Care Authority
676 Woodland Square Loop SE
Olympia, WA
The Center Conference Room

Date: April 20, 2006 Time: 1:00 p.m.**Date of intended adoption:** April 28, 2006(Note: This is **NOT** the **effective** date)**Submit written comments to:**

Name: Barbara Scott
Address: 676 Woodland Square Loop SE
PO Box 42684
Olympia, WA 98504-2684
e-mail bsco107@hca.wa.gov

fax (360) 923-2602 by (date) April 20, 2006**Assistance for persons with disabilities:** ContactNikki Johnson by April 12, 2006TTY (888) 923-5622 or (360) 923-2805**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the proposed amendment is to address summer coverage for part-time academic employees of community and technical colleges for summer 2006 and into the future (the current rule only addresses summer coverage through April 2006). In addition HCA is proposing amendments that clarify which subsection of the rule applies to what type of employment situation, as well as technical corrections removing outdated language that is no longer accurate. Language allowing the use of school district and educational service district approved bargaining unit language for determination of employee eligibility for PEBB benefits is removed so the rule does not conflict with statutory language in RCW 41.05.065(3).

Reasons supporting proposal:

These amendments are necessary to provide greater clarity regarding: (1) summer coverage for certain part-time academic employees of community and technical colleges; and (2) which employees who work on a seasonal or instructional year basis are eligible for employer paid benefits during the period between work seasons or instructional years.

Statutory authority for adoption: RCW 41.05.160**Statute being implemented:** RCW 41.05.065**Is rule necessary because of a:**

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION: _____

CODE REVISER USE ONLY

Information input by Agency
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
March 1, 2006

DATE**NAME** (type or print)

Pete Cutler

SIGNATURE**TITLE**

Rules Coordinator

TIME 7:51 a.m. _____
WSR 06-06-080 _____

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Health Care Authority

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Pete Cutler	676 Woodland Square Loop, Lacey, Washington	(360) 923-2720
Implementation.... Barbara Scott	676 Woodland Square Loop, Lacey, Washington	(360) 923-2642
Enforcement..... Mary Fliss	676 Woodland Square Loop, Lacey, Washington	(360) 923-2640

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain:

RCW 34.05.328 does not apply to HCA rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

AMENDATORY SECTION (Amending Order 04-04, filed 8/19/05, effective 9/2/05)

WAC 182-12-115 Eligible employees. The following employees of state government, higher education, participating K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible ~~((to apply))~~ for PEBB insurance coverage. ~~((For purposes of defining eligible employees of school districts and educational service districts, a collective bargaining agreement will supersede all definitions provided under this chapter 182-12 WAC only if approved by the HCA.))~~ Subsections (1), (2), and (3) of this section apply to all employees except:

Those employees of state four-year institutions of higher education, school districts, educational service districts, the state schools for the blind and deaf, and other similar state agency institutions, who are employed on an instructional year basis, for whom only subsection (4) of this section shall apply;

All part-time academic employees of community and technical colleges, for whom only subsection (5) of this section shall apply;

Appointed and elected officials, for whom only subsection (6) of this section shall apply; and

Justices of the supreme court, and judges of the courts of appeal and of superior court, for whom only subsection (7) of this section shall apply.

(1) "Permanent employees." Those who work ~~((at least))~~ half-time per month and are expected to be employed for more than six consecutive months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work ~~((at least))~~ half-time per month and are expected to be employed for no more than six consecutive months. Coverage begins on the first day of the seventh consecutive month following the date of employment.

(3) "Career seasonal employees." Those who work ~~((at least))~~ half-time per month during a designated season for a minimum of three months but less than ~~((nine))~~ twelve months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of

employment is the first working day of a month, coverage begins on the date of employment. Career seasonal employees who work half-time per month for a season that extends for nine or more months are eligible for the employer contribution during the break between seasons of employment. However, career seasonal employees who work half-time per month for less than nine months in a season are not eligible for the employer contribution during the break between seasons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "~~((Career seasonal/))~~Instructional year employees." Those employees of state four-year institutions of higher education, school districts, educational service districts, the state schools for the blind and deaf, and other similar state agency institutions who work half-time or more on an instructional year (school year) or equivalent nine-month ~~((seasonal))~~ basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each instructional year period of ~~((seasonal))~~ employment.

(5)(a) "Part-time ~~((faculty and part-time))~~ academic employees of community and technical colleges." Employees who are employed on a quarter/semester to quarter/semester basis are eligible ~~((to apply))~~ for coverage beginning with the second consecutive quarter/semester of half-time or more employment ~~((at one or more state institutions of higher education including one or more college districts))~~. Concurrent employment at more than one state institution of higher education may be combined by an employee to establish and maintain eligibility. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

For the purpose of determining eligibility for part-time faculty and part-time academic employees, employers must:

(i) Consider spring and fall as consecutive quarters/semesters when ~~((determining))~~ first establishing eligibility; and

(ii) Determine "half-time or more employment" based on each institution's definition of "full-time"; and

(iii) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time ~~((faculty and part-time))~~ academic employees of their potential right to benefits under this ~~((section))~~ subsection.

(iv) Part-time ~~((faculty and part-time))~~ academic employees

employed at more than one state institution of higher education are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if an employee fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(v) Where concurrent employment at more than one state higher education institution is used to determine total employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the employee would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA; and

(vi) Once enrolled, if a ~~((part-time faculty or))~~ part-time academic employee does not work ~~((at least a total of))~~ half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(b) Part-time academic employees of community and technical colleges ~~((--eligibility for summer or off season benefits when the employee has))~~ who have a reasonable expectation of continued employment at ~~((a single))~~ one or more college ~~((district or multiple college))~~ districts shall be eligible to receive the employer contribution for benefits during the summer break if they meet the conditions provided in this subsection (5)(b).

~~((Effective May 1, 2005, through April 2006.))~~

(i) Part-time academic employees who work half-time or more in each instructional year quarter ~~((or equivalent nine month season))~~ for ~~((one or more))~~ an academic year ~~((s in))~~ for a single college district or multiple college districts as determined from the payroll records of the employing community or technical college district(s), are eligible for the employer contribution for health benefits during the quarter or off season period immediately following the end of ~~((one))~~ the academic year ~~((or equivalent nine-month season. Eligibility for summer or off season health benefits continues each summer quarter or off season thereafter following employment in an instructional year or equivalent nine-month period of employment in a single college district or multiple college districts))~~.

~~((+ii+))~~ (c) For the purposes of this ~~((section))~~ subsection:

~~((+A+))~~ (i) "Academic employee" has the meaning set forth in RCW 28B.50.489(3).

~~((+B+))~~ (ii) "Academic year" means fall, winter, and spring

quarters in a community or technical college, as determined from the payroll records of the employing college district or college districts.

~~((C)) "Equivalent nine-month seasonal basis" means a nine consecutive month period of employment at half time or more by a single college district or multiple college districts, as determined from the payroll records of the employing college district(s).~~

~~(D))~~ (iii) "Health benefits" means the particular medical and/or dental coverage in place at the end of the academic year or equivalent nine-month season. Changes to health benefits may be made only as set forth in chapter 182-08 WAC or during an annual open enrollment period.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of a month, coverage begins on the date the term begins, or the oath of office is taken.